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 Attorneys for Defendants
 JPMorgan Chase Bank, N.A. and
 Mortgage Electronic Registration Systems,
 Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERESA S. LEONG,

Plaintiff,

v.

JPMORGAN CHASE, a business form
 unknown; MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC., a business
 form unknown; DOES I through X, inclusive;
 and ROE CORPORATIONS, I through V,
 inclusive,

Defendants.

)
) CASE NO: 2-11-CV-01285-GMN-RJJ
)
)
) **MOTION FOR STAY OF LITIGATION**
) **AND DISCOVERY PENDING A**
) **DETERMINATION ON DEFENDANTS'**
) **MOTION TO DISMISS (DKT. 15),**
) **PLAINTIFF'S MOTION FOR**
) **SUMMARY JUDGMENT (DKT. 17),**
) **PLAINTIFF'S MOTION FOR**
) **DISMISSAL AND JUDGMENT (DKT. 21),**
) **AND PLAINTIFF'S MOTION FOR**
) **SUMMARY JUDGMENT (DKT. 24)**
)


Defendants JPMorgan Chase Bank, N.A. (incorrectly named as "JP Morgan Chase")
 (hereinafter referred to as "Chase") and Mortgage Electronic Registration Systems, Inc.
 (hereinafter referred to as "MERS") (collectively referred to as "Defendants"), by and through
 their counsel of record, Smith Larsen & Wixom, do hereby submit their Motion for Stay of
 Litigation and Discovery Pending a Determination on Defendants' Motion to Dismiss (Dkt. 15),

1 Plaintiff's Motion for Summary Judgment (Dkt. 17), Plaintiff's Motion For Dismissal And
 2 Judgment (Dkt. 21), and Plaintiff's Motion for Summary Judgment (Dkt. 24).

3 This Motion is made and based upon the Points and Authorities attached hereto, the papers
 4 and pleadings on file herein, and such oral argument as may be entertained by the Court at the time
 5 and place of the hearing of this matter.
 6

7 Dated this 11th day of July, 2012.

8 SMITH LARSEN & WIXOM

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 14 Mortgage Electronic Registration Systems,
 15 Inc.
 16

17 **POINTS AND AUTHORITIES**

18 **I.**

19 **RELEVANT BACKGROUND**

- 20 1. On April 17, 2012, Plaintiff filed her Amended Complaint. *See* Dkt. 14.
- 21 2. On April 27, 2012, Defendants filed their Motion to Dismiss Amended Complaint
 22 with Prejudice. *See* Dkt. 15.
- 23 3. On May 11, 2012, Plaintiff filed her first Motion for Summary Judgment. *See*
 24 Dkt. 17.
- 25 4. On June 20, 2012, Plaintiff filed her Motion for Dismissal and Judgment and
 26 Deceptive Practices of Counsel for Defendants. *See* Dkt. 21.
- 27 5. On June 29, 2012, Plaintiff filed her second Motion for Summary Judgment, which
 28

1 was nearly identical to the first motion for summary judgment. *See* Dkt. 24.

2 6. At this time, a discovery plan and scheduling order has not been filed.

3 II.

4 LEGAL ARGUMENT

5 Defendants submit this Motion because granting this request is in the interest of judicial
6 economy and will afford the Court with an opportunity to dispose of this unfounded lawsuit
7 without the parties incurring further unnecessary fees and costs. *See Mediterranean Enterprises,*
8 *Inc. v. Sangyong Corp.*, 708 F.2d 1458, 1465 (9th Cir. 1983) (temporary stay of proceedings
9 applicable to preserve judicial efficiency and fairness); *Stock v. Commissioner of the Internal*
10 *Revenue Service*, 2000 WL 33138102 (D. Idaho) (temporary stay of proceedings during pendency
11 of motion is proper where the interests of judicial economy are served).

12 A district court has broad discretion to stay proceedings as incident to its power to control
13 its own docket. *Clinton v. Jones*, 520 U.S. 681, 706-07 (1997). The authority to stay
14 proceedings is particularly appropriate where it will serve the interests of judicial efficiency and
15 fairness during the pendency of a court's decision on a dispositive motion. *Stock*, 2000 WL
16 33138102 at *2. Specifically, the court in *Stock* held:

17 The court finds that it is in the interest of judicial economy to temporarily stay the
18 advance of discovery until such time as the Court hears oral argument on and
19 decides the motions to dismiss which are pending.

20 *Id.*

21 Likewise, in *Mediterranean Enterprises, Inc.*, the Ninth Circuit stated:

22 [A] trial court may, with propriety, find it is efficient for its own docket and the
23 fairest course for the parties to enter a stay of an action before it, pending resolution
24 of independent proceedings which bear upon the case.

25 *Mediterranean Enterprises, Inc.*, 708 F.2d at 1465. "[T]he power to stay proceedings is
26 incidental to the power inherent in every court to control the disposition of the causes on its docket
27
28

1 with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. North*
 2 *American Co.* 299 U.S. 248, 254 (1936).

3 Here, Defendants respectfully submit that their Motion Dismiss, which is currently
 4 pending before this Court, has substantial merit, and that no litigation or discovery during the
 5 pendency of the Motion to Dismiss is necessary or warranted. Within less than two months,
 6 Plaintiff has filed three separate dispositive motions, none of which have merit, but all of which
 7 have required a response. These filings come at an unnecessary expense in time and resources not
 8 only to Defendants but also to the Court. Defendants simply request that this Honorable Court
 9 issue an Order staying the further filing of motions and conducting of discovery until Defendants’
 10 Motion to Dismiss is heard and/or ruled upon.
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12 Defendants believe that such an action will save all parties, including the Court, valuable
 13 and limited time and resources, as well as allow the Court to control its docket in a more efficient
 14 manner.
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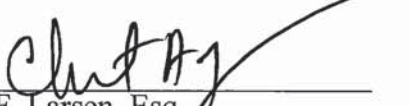
III.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that this Honorable Court grant their Motion for Stay of Litigation and Discovery Pending a Determination on Defendants' Motion to Dismiss (Dkt. 15), Plaintiff's Motion for Summary Judgment (Dkt. 17), Plaintiff's Motion For Dismissal And Judgment (Dkt. 21), and Plaintiff's Motion for Summary Judgment (Dkt. 24).

Dated this 11th day of July, 2012.

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IT IS SO ORDERED.


 UNITED STATES MAGISTRATE JUDGE

DATE: AUG. 8, 2012